

## **CALCULATING CHILD SUPPORT**

Once paternity has been established, the court will generally create an order for child support. While it is possible to request the court to only determine paternity or order healthcare coverage, normally the custodial parent or DCSE in a public assistance case wants child support as well. Child support in Virginia is set according to the child support guidelines--a mathematical approach of combining the parents' monthly incomes so as to determine the amount to be paid.

To calculate the child support guidelines, the court or DCSE determines:

- The number of children the non-custodial parent is the father of with the custodial parent and who need child support;
- Which parent the child lives with and for how many days a year. If the child lives with each parent for 90 days or more days a year, "shared" custody guidelines are run. If the parents have two or more children and a child lives with each parent, "split" custody guidelines are used. Otherwise, "sole" custody guidelines are used;
- The parties' average monthly gross income. Gross income is a person's total income from all sources before any deductions to include any jobs, investments, interest, spousal support received, etc. Gross income can include the value of goods or services received instead of wages. Items which do not qualify for gross income include:
  - A second job taken solely to pay off child support arrears; or
  - any sort of welfare payments or benefits; or
  - any child support received; or
  - SSI payments from the Social Security Administration for the parent or child.

Sometimes the court "imputes" income if the person is unemployed or underemployed (not working a full workweek or working a lower-than-usual-paying job). To impute income the court calculates the parent's gross income based on past earnings or ability. If the parent's voluntary act, such as quitting a job or going to prison, causes a decrease in income, the court may impute income. When a parent's voluntary act such as returning back to school or starting a business that fails causes a decrease in income, the court will not reduce the amount of support that had been ordered.

After calculating gross income, the court will subtract any authorized deductions from each parent's income. Common deductions include:

- spousal support paid by either parent;
- actual amount of current child support paid for other children;
- credit for the parent's other children in his or her physical custody who are under the age of eighteen (not step-children); or
- verified business expenses and a portion of the self-employment tax for self-employed parents.

This adjusted income for each parent is then combined and cross-referenced on the child support

guidelines table to find the total amount of child support due from both parents. To this total, the monthly average of any childcare costs and health insurance cost for the children on the support order (not the cost for the parents' insurance or other children's daycare costs) are added. Any money that the noncustodial parent pays for childcare or health insurance would be subtracted from his or her share with whatever remaining as the child support obligation.

Shared and split custody guidelines are calculated in the same way, with the final amount being modified based on the type of custody. The child support order can be either a "unitary" order--the amount of support paid remains the same regardless of the number of children to be supported--or a "per child" order where the court specifies how much support is paid for each child. The order will also tell the noncustodial parent to whom to pay the money and the percentage of uninsured medical expenses exceeding \$250 per child per calendar year for which he is responsible. **The effective date of the child support order is generally the date the petition was filed.**

A hearing to determine the amount of child support can be a time-consuming process. To assist the court with this process, parents should bring to court documentation of their earnings and gross income, and receipts for daycare and health insurance costs. Parents who disagree with the court's decision can file either a motion to rehear or an appeal. The order, however, remains in effect and parents must do what the order says until it is changed by a court. **Parents may not ignore or change portions of the child support order.**